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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,929	09/15/2003	Anthony J. Baerlocher	0112300-1542	2727

29159 7590 01/29/2008
BELL, BOYD & LLOYD LLP
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CHICAGO, IL 60690

EXAMINER

SHAH, MILAP

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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01/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary	Application No.	Applicant(s)	
	10/662,929	BAERLOCHER, ANTHONY J.	
	Examiner	Art Unit	
	Milap Shah	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 26-47 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☒ Claim(s) 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed October 23, 2007. The Examiner acknowledges that claims 22 & 25 were amended, no claims were canceled, and no new claims were added. Therefore, claims 1-47 are currently pending.

Terminal Disclaimer

The terminal disclaimer filed on October 23, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,634,943 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Weiss (U.S. Patent No. 6,767,283).

Claim 22: Weiss discloses the same invention including a gaming device having at least one display device; at least one input device; at least one memory device; and at least one processor configured with the display device, input device, and memory device (column 3, lines 10-33) to display: a first outcome of a first component of a first game (i.e. the reels spinning and stopping at a random

outcome of symbols as seen in figure 3); a second outcome of a second component of said first game, wherein said second outcome is different from said first outcome, and wherein said second outcome is determined by said first outcome (see figure 1 & column 3, lines 63-67; note the position of reels determines if a triggering event has occurred, where the actual "outcome" itself is the triggering event, which is an outcome comprising of initiation of a bonus game/round, whereas the "first outcome" may have been simply credits corresponding to a winning combination found on the pay table), and an outcome of a second game, said second game including at least one component not in the first game, wherein said second game is initiated upon at least achieving the outcome of the second component of the first game (i.e. a trip to the bonus game or second game is based on the triggering event of the first game), and wherein the outcome of the second game is only determined by *an* outcome of the first component of the first game (see figure 4[spinner 60] and note: the Examiner interpretation is that spinner 60 is part of the primary game that determines the number of spaces the character moves along in the bonus round/game, and thus the first outcome, which were the symbols on the reel determine if the spinner is actuated to determine a number of positions the character will move in the bonus game, thus, essentially the outcome of the second game, as in if the character will stop on a credit-paying space along the path, is determined by *an* outcome of the first component of the first game, the outcome being actuation of the spinner based on symbols of the first component of the first game).

Response to Arguments

Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's filing of a terminal disclaimer on October 23, 2007, the Examiner hereby withdraws the obviousness-type double patenting rejections of claims 5-7 & 9-21.

In response to the Applicant's amendments to claim 22, the 35 U.S.C. 112, second paragraph rejection of claims 22-25 is hereby withdrawn.

Allowable Subject Matter

Claims 1-4, 8, & 26-47 are allowed as previously indicated in the action mailed July 23, 2007.

Claims 5-7 & 9-21 are allowed herein for at least the reason the Applicant has overcome obviousness-type double patenting by filing of a terminal disclaimer.

Claims 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 23-25 provide the concept of the invention of claim 22 around a pick/selection-type game. Weiss, the closest prior art fails to disclose a pick/selection type game in which the first component of the first game includes a selection game having a predetermined number of picks of the selections provided to the player, the selection game including at least one number symbol associated with a plurality of selections, wherein the first outcome of said selection game is based on the number symbols associated with the selections picked by the player in said selection game. For at least this reason, claims 23-25 are objected to.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714



XUAN M. THAI
SUPERVISORY PATENT EXAMINER

/MBS/